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07/303, 952 01/31/89 RAEMER

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EXAMINER

LEWIS, A

ART-UNIT

PAPER NUMBER

10

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1225 CONNECTICUT AVENUE  
WASHINGTON, DC 20036

337

DATE MAILED:

08/10/90

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on 5/7/90  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892. 2.  Notice re Patent Drawing, PTO-948.  
3.  Notice of Art Cited by Applicant, PTO-1449. 4.  Notice of Informal Patent Application, Form PTO-152  
5.  Information on How to Effect Drawing Changes, PTO-1474. 6.

Part II SUMMARY OF ACTION

1:  Claims 56 → 63 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims 1 → 55 have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 56 → 63 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

EXAMINER'S ACTION

Serial No. 303,952

-2-

Art Unit 337

Claims 56-63 are rejected under 35 U.S.C. § 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims define an apparatus which detects carbon dioxide using a pH sensitive dye. It is well established that pH sensitive dyes change color in response to the reaction of hydrogen ions with the dyes. The problem with the specification and claims of the instant case is that there does not appear to be a source of hydrogen ions to react with the pH sensitive dye and in order for the invention to operate as disclosed and claimed (i.e. using a pH sensitive dye) there must be a source of hydrogen ions.

Any inquiry concerning this communication should be directed to Aaron J. Lewis at telephone number (703) 557-3125.

AARON J. LEWIS  
EXAMINER  
ART UNIT 337

*Aaron J. Lewis*

A. Lewis:bhw  
August 01, 1990